

REMARKS

The examiner's withdrawal of the prior rejection over Fulthorpe is acknowledged. The references to other pending applications (e.g., pages 12-13) have been updated. The application has been checked for errors, and none have been found.

The examiner has rejected the two independent claims (1, 22) under 35 USC 103(a) as being unpatentable over Thompson (US6192397) in view of Choi (US5745769). The examiner is urged to reconsider and withdraw the rejection, particularly in light of the clarifying amendments made herein to these two claims.

As amended, claims 1 and 22 require that any of a plurality of peer devices be capable of exchanging messages with any other of the plurality of peer devices using a CSMA contention-oriented service to establish a series of contention-free intervals for use by the two devices. The exact claim language (which is common to both claim 1 and 22) is:

having a first device, which can be any of the plurality of peer devices, exchange messages with a second device, which can be any other of the plurality of peer devices, over the medium using a CSMA contention-oriented service to establish a session of contention-free intervals within the CSMA contention-oriented service for use by the first device and the second device for contention-free traffic between the devices,

Furthermore, the claims require that other peer devices be made aware of the established session of contention-free intervals and refrain from transmitting during the session. The claim language is as follows:

wherein at least some of the other peer devices are made aware of the session of contention-free intervals and refrain from transmitting during the session,

Thompson is fundamentally different from the subject matter of claims 1 and 22. Thompson does provide a mechanism in a CSMA environment whereby two peers may decide to establish between themselves a master/slave relationship in order to expedite communication between the two stations. But no other peers are informed of that relationship, and so other peers will not refrain from communicating, and so collisions may occur (col. 3; lines 4-10; col. 5, line

50 to col. 6, line 40). Thus, Thompson does not teach establishing a "session of contention-free intervals", as required by the claims. Nor does it teach that "other peer devices are made aware of the session of contention-free intervals and refrain from transmitting during the session".

Choi teaches nothing that would make up for these shortcomings of Thompson. Indeed, Choi does not even teach CSMA communication, but simply gives a broad description of the polar opposite of CSMA, namely, conventional polling, in which a designated master polls slaves and determines when particular slaves gain access. The vast difference between polling and CSMA make it unreasonable to conclude that Choi would be combined with Thompson, but even if combined nothing taught in Choi would suggest modification of Thompson in ways that would teach the claimed invention.

The remaining claims are all properly dependent on one or more of the independent claims, and thus allowable therewith. Each of the dependent claims adds one or more further limitations that enhance patentability, but those limitations are not presently relied upon. For that reason, and not because applicants agree with the examiner, no rebuttal is offered to the examiner's reasons for rejecting the dependent claims.

Allowance of the application is requested.

Upon reviewing the file, applicants noted that they have not received an initialed copy of the enclosed PTO Form 1449 that accompanied an information disclosure statement filed May 14, 2002. Applicants' records show that this information disclosure statement complied with 37 CFR 1.97. Thus, we respectfully request that the examiner initial and return this form as soon as possible.

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Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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